

REMARKS/ARGUMENTS

Claims 1-16 are pending of which claims 8-16 have been withdrawn from consideration. In light of the following remarks, Applicant believes claims 1-7 are allowable.

The § 103(a) Rejection of Claims 1-7

Claims 1-7 were rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,832,431, issued November 3, 1998 to Sheffield in view of U.S. Patent No. 5,907,847, issued May 25, 1999 to Goldberg and further in view of U.S. Patent No. 6,108,004, issued August 22, 2000 to Medl. Accordingly, it is asserted that if these three references are combined, all the features of the claims are disclosed. For the following reasons, Applicant respectfully traverses the rejection.

The Office Action has not shown where any of the references disclose “automatically generating executable code from said specified data elements” as recited in claim 1. The Office Action acknowledges that the sections of Goldberg that are cited disclose a programmer generating source code that could then be made into executable code by a Java VM or compiler (page 3). However, it is then asserted that this discloses the features of claim one quoted above.

More specifically, the Office Action stated:

While the lines in question do state that the source code is generated by a user, the executable code (Java byte code) is generated automatically by the Java VM or compiler.

(page 3, emphasis in original). Taking this as correct, this does not disclose what is claimed. Claim 1 specifically recites “automatically generating executable code from said specified data elements” (emphasis supplied). Goldberg instead discloses that executable code is generated from source code generated by a user. This is clearly not from the specified data elements as claimed. Thus, the cited references does not support a prima facie case of obviousness as alleged as it has not been shown where any of the cited references disclose these features in claim 1.

Additionally, the Office Action alleged that the term "automatic" was vague and relative. Applicants disagree since "automatic" means that there is some amount of human or user interaction that is not performed. As described above, the user does not need to generate source code as directed by Goldberg. Instead, the executable code is automatically generated from the specified data elements. When, as here, the cited reference discloses a technique that is different than the claimed invention, the reference teaches away from the invention.

As the three references, even if combined, do not disclose all the features of claim 1, the references do not support a prima facie case of obviousness and the claim is patentably distinct. The other claims 2-7 are dependent claims so they are patentably distinct for at least the same reasons.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8693.

Respectfully submitted,



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